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RESPONSE TO RESTRICTION REQUIREMENT Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket Confirmation No.	10040506-1 5083
	First Named Inventor	Bill J. Peck
	Application Number	10/813,337
	Filing Date	March 29, 2004
	Group Art Unit	1634
	Examiner Name	Betty J. Forman
	Title	Methods for In Situ Generation of Nucleic Acid Arrays

Dear Sir:

This communication is responsive to the office communication dated August 7, 2006.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-16;

Group II, i.e., Claims 17, 22 and 23;

Group III, i.e., Claim 18;

Group IV, i.e., Claims 19-21; or

Group V, i.e., Claims 24-27

for further prosecution in this application.

The Applicants hereby elect Group I **with traverse**.

The Applicants also respectfully urge the Examiner to rejoin the claims of Groups II to V with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

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In the present case, elements of the claims of Group I are found in the remaining claims of Groups II to V. For example, the claims of Groups V specifically refer to the method of the claims of Group I. As such, it is believed that the search for the claims of Group I will find any relevant prior art relating to the claims of Groups II-V.

Accordingly, little, if any, additional searching should be required for the claims of Groups II-V, and therefore the examination of the claims of Groups II-V together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Groups II-V and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of Group II with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

Date: September 11, 2006

By: 

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